



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 12  
**AGENDA DATE:** Thu 05/27/2004  
**PAGE:** 1 of 1

**SUBJECT:** Authorize the City Manager to negotiate and execute an agreement with Wells Branch Municipal Utility District and North I-35 Business Park, L.P. through its general partner North I-35 Business Park GP, L.L.C. to provide pass through wastewater service to the "Schultz 45 Acre" tract located 1,900 feet north of the IH-35 and Wells Branch Parkway intersection on the west side of IH-35.

**AMOUNT & SOURCE OF FUNDING:** No City funds are required by this action. The developer will construct the necessary water and wastewater infrastructure.

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Austin Water Utility      **DIRECTOR'S**  
**DEPARTMENT:**                                      **AUTHORIZATION:** Chris Lippe

**FOR MORE INFORMATION CONTACT:** Bart Jennings 972-0118; Laura Wiley 972-0104

**PRIOR COUNCIL ACTION:** January 15, 2004

**BOARD AND COMMISSION ACTION:** Recommended by the Water and Wastewater Commission

**PURCHASING:** N/A

**MBE / WBE:** N/A

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Wells Branch Municipal Utility District (Wells Branch MUD) is generally located along the west side of IH-35, north of Howard Lane, and east of FM 1325. Wells Branch MUD has been a wholesale water and wastewater customer of the City of Austin since 1981 serving approximately 2,800 current connections.

A developer is planning to build a warehouse, office, multi-family and a restaurant on the "Schultz 45 Acre" tract (45 acres). Wells Branch MUD's wastewater facilities are located within 800 feet of the planned development. The nearest City of Austin wastewater mains are located 2,700 ft. from the planned development.

The developer has requested the City of Austin to provide 208 gallons per minute of peak wet weather wastewater flow of pass-through service from the Wells Branch MUD facilities. The developer would build all necessary facilities at its sole cost. The City of Austin would provide retail water service to the tract in accordance with the City of Austin's service extension request policies. Wells Branch MUD has agreed to provide pass through wastewater service to the development until such time that the City of Austin has wastewater facilities that can be connected to the development.

This item was previously reviewed by the Water and Wastewater Commission and approved by the Austin City Council. During the period of contract development for pass-through wastewater service but prior to the contract's execution, the ownership of the property changed from Southwest Land Investment Partnership, Ltd. to North I-35 Business Park, L.P. North I-35 Business Park, L.P. desires to enter into the same arrangement developed by the City, Wells Branch MUD, and Southwest Land Investment Partnership, Ltd.



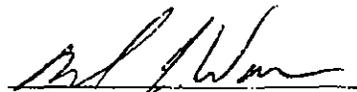
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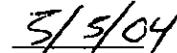
**WATER AND WASTEWATER COMMISSION RESOLUTION  
AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH  
WELLS BRANCH MUD AND NORTH I-35 BUSINESS PARK, L.P. THROUGH ITS GENERAL PARTNER  
NORTH I-35 BUSINESS PARK GP, L.L.C. TO PROVIDE PASS THROUGH WASTEWATER SERVICE TO  
THE "SCHULTZ 45 ACRE" TRACT LOCATED 1,900 FEET NORTH OF THE IH-35 AND WELLS  
BRANCH PARKWAY INTERSECTION ON THE WEST SIDE OF IH-35.**

**May 5, 2004  
REGULAR MEETING  
VOTE: 6-0-0-3**

Motion made by: Lee  
Commissioners Consenting: Warner, Coleman, Friese, Kirfman, Chan  
Commissioners Dissenting:  
Commissioners Abstaining:  
Commissioners Absent: Raun, Pool, Miller

The Water and Wastewater Commission recommends the Council authorize the City Manager to negotiate and execute an agreement with Wells Branch MUD and North I-35 Business Park, L.P. through its general partner North I-35 Business Park GP, L.L.C. to provide pass through wastewater service to the "Schultz 45 Acre" tract located 1,900 feet north of the IH-35 and Wells Branch Parkway intersection on the west side of IH-35.

  
Michael Warner, Chairperson  
Water and Wastewater Commission

  
Date